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LB 817

Revision: 01

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

Updated for amendments adopted through April 2, 2012.

| ESTIMATE OF FISCAL IMPACT – STATE AGENCIES * | | | | |
|--|--------------|---------|--------------|---------|
| | FY 2012-13 | | FY 2013-14 | |
| | EXPENDITURES | REVENUE | EXPENDITURES | REVENUE |
| GENERAL FUNDS | | | 3,750 | |
| CASH FUNDS | | | 95,909 | |
| FEDERAL FUNDS | | | | |
| OTHER FUNDS | | | | |
| TOTAL FUNDS | | | 99,659 | |

*Does not include any impact on political subdivisions. See narrative for political subdivision estimates.

This bill, as amended, would change duties of the Community Corrections Division of the Nebraska Commission on Law Enforcement and Criminal Justice.

AM2439 was amended into this bill. This amendment adds provisions from LB1046, which is a bill that would change provisions relating to law enforcement certification and continuing education. AM2439 requires that each law enforcement officer attend at least twenty hours of continuing education courses in the areas of criminal justice and law enforcement during each calendar year. It also creates a central registry that will maintain training records with the Director of the Nebraska Law Enforcement Training Center. Every law enforcement agency of the state shall send the certified reports at the completion of the continuing education requirements by its law enforcement officers. AM2439 provisions are operative on January 1, 2014.

The provisions of the bill that would change duties of the Community Corrections Division of the Nebraska Commission on Law Enforcement and Criminal Justice will not have a fiscal impact on the state or political subdivisions. The Supreme Court and the Crime Commission both estimate no fiscal impact from these provisions of the amended bill.

AM2439 amended provisions from LB1046 into this bill and it will have the following fiscal impact:

The following table and notes was compiled by the Legislative Fiscal Office (LFO) using information from the Game & Parks response. For the Game and Parks response, please see LB1046:

| ITEM | AMOUNT |
|---------------------------|-----------|
| No. of Officers (1) | 50 |
| Training Days (2) | 3 |
| Meal Cost (3) | \$ 6,150 |
| Lodging Cost (4) | \$ 3,850 |
| Cost of Class (5) | \$ 15,000 |
| Total Cost | \$ 25,000 |
| Fund Source Break-out (6) | |
| General Fund | \$ 3,750 |
| Cash Fund | \$ 21,250 |
| Total | \$ 25,000 |

TABLE NOTES:

(1) Game & Parks has 59 officers that may fall within the provisions of this bill, but they are estimating that some current training may suffice and not all staff will be required to travel. Current training includes handgun qualification, defensive tactics, first aid and first responder training.

(2) Twenty hours per year of mandatory continuing education is equivalent to 2.5 days. While no specific training will necessarily be scheduled and conducted for 20 consecutive hours, the agency states that for simplicity a conservative estimate will be that at least 3 days will be needed annually to fulfill the requirement. This includes 2 nights lodging.

(3) *Meal Cost* was calculated as follows: Number of officers multiplied by 3 training days multiplied by \$41 per day meal cost. In-state meal guidelines: \$7.00 for breakfast, \$11.00 for lunch and \$23.00 for dinner = \$41 per day.

(4) *Lodging Cost* was calculated as follows: Number of officers divided by 2 for double occupancy multiplied by 2 nights lodging multiplied by \$77 lodging cost. The lodging rate limit is set by DAS based upon Federal guidelines. The current in-state limit is \$70.00 plus tax except for Lincoln and Omaha. The Nebraska Law Enforcement Training Center (NLETC) is located in Grand Island.

(5) *Cost of Class* was calculated as follows: Number of officers multiplied by \$300, which is the estimated annual cost of the classes.

(6) The typical historic proration for the Game & Parks Law Enforcement Division is 15% General Fund and 85% cash fund. Please note that the response from Game & Parks states 70% cash fund but their numbers equate to 85%, which is what this fiscal note uses.

Game & Parks also states that since officers would be presumably traveling for their normal job duties, no additional expenses are included for fuel. The personnel time would be absorbed as part of their normal routine so no additional expense for wages is included.

The following table was compiled by LFO using information from the Crime Commission's response. The Crime Commission's response follows the table:

| ITEMS | 1/2 Fiscal Year | | 1/2 Fiscal Year | | | |
|--------------------|-----------------|---------------------|-----------------|-------------|--------------|-------------|
| | FY2012-2013 | FY2013-2014 | FY2014-2015 | FY2012-2013 | FY2013-2014 | FY2014-2015 |
| | | Number of Positions | | | Expenditures | |
| Staff Assistant II | | 0.50 | 1.00 | | 15,960 | 31,920 |
| Benefits | | | | | 8,699 | 17,397 |
| Operating (1) | | | | | 50,000 | - |
| | | 0.50 | 1.00 | - | 74,659 | 49,317 |

(1) A one-time cost of \$50,000 to modify their website and create a central registry for continuing legal education requirements.

FY14-15 shows the full-year impact to the Crime Commission from this bill.

The Crime Commission's response follows and it explains the numbers in the above table:

Explanation of Estimate: Under current statutes, the Law Enforcement Training Center tracks annual continuing education for 93 county sheriffs. LB 1046 requires all law enforcement officers to receive 20 hours per year of continuing education. The Training Center is required to create a central registry for these officers and track the hours of training received each year. This adds 4,100 officers that must be verified each year for continuing education.

If an officer fails to complete 20 hours of continuing education in a particular year, his or her certificate shall be suspended unless he or she can show good cause for not completing the training. A process would need to be created that allows the officer to appeal the suspension of the certificate in a hearing before the Police Standards Advisory Council (PSAC). PSAC currently holds hearings and considers revoking about 10 law enforcement certificates each year. If only 1% of the 4,100 officers fail to complete continuing education, that would add 41 hearings each year. There are costs associated with these hearings, including staff time and the costs of the PSAC meetings.

If an officer fails to complete 20 hours of continuing education for two consecutive years, the officer's certificate may be revoked. Again this would involve a hearing before PSAC and additional staff time. This could result in an additional 20 or more hearings each year.

We anticipate one additional staff (Staff Assistant II, hired on 1-1-2014) will be needed to manage the central registry of 4,100 officers. We also anticipate a one-time cost of \$50,000 to modify our website and create a central registry for continuing legal education requirements. Depending on the complexity of the information collected in the central registry, the estimated \$50,000 cost may be lower. With less complexity, the costs will be lower. The fiscal impact would be \$74,659 for the first year and \$49,317 for subsequent years. LB 1046 takes effect on January 1, 2014. LB 1046 specifies that the fiscal impact of the bill shall be paid with cash funds. This increase in cash fund expenditures could possibly cause reductions in other areas of the Training Center's budget if the cash funds cannot accommodate these additional costs.

The University of Nebraska states that their current policies exceed the requirements of the bill and therefore it would have no fiscal impact to them.